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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Benjamin Peter Jeffryes

Application No.: 10/732,995

Filed: December 11, 2003

For: SYSTEM AND METHOD FOR
PROCESSING AND TRANSMITTING
INFORMATION FROM
MEASUREMENTS MADE WHILE
DRILLING

Customer No.: 37003

Attorney Docket No.: 57.0441

Confirmation No. 8282

Examiner: Giovanna M. Collins

Technology Center/Art Unit: 3672

RESPONSE TO RESTRICTION
REQUIREMENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 19, 2005.

Ruth A. Schreiber 12/19/05
Ruth A. Schreiber Date

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants file this Election of Invention in response to the Examiner's Office Action of December 2, 2005, indicating that pending claims 1-27 are subject to a restriction requirement. Applicants file this Election of Species within the one-month period for reply of set in the Office Action.

Restriction Requirement Traverse

The Examiner has required a restriction among inventions drawn to:

- I. Claims 1-19, drawn to a system for making measurements, classified in class 175, subclass 40.
- II. Claims 20-27, drawn to a method for making measurements, classified in class 73, subclass 152.46.

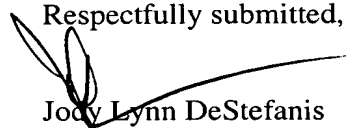
In response to this Restriction Requirement, Applicant provisionally elects Group I, claims 1-19, with traverse. Applicant reserves the right to pursue Group II, claims 20-27; in a divisional application should the restriction requirement not be lifted.

The Restriction Requirement takes the position that the invention(s) in Group I (apparatus for making measurements in a wellbore during the construction of the wellbore) is distinct from the Group II invention(s) (method for making measurements in a wellbore during the construction of the wellbore) because the method does not require use of a first and a second sensor as claimed in the apparatus claim. Applicant respectfully traverses this restriction requirement because, without making any inferences as to whether the two groups are distinct or not and because the Examiner has not asserted the two groups are independent, Applicant does not believe that any serious burden on the examiner will result from reviewing the two groups of inventions at the same time. Because both the Group I and the Group II inventions require measurement of first and second parameters, the Examiner will, in examining the patent application at issue, necessarily have to analyze and review systems and methods for making measurements in a wellbore during the construction of the wellbore using both a single sensor and a plurality of sensors. As such, Applicant cannot ascertain whether there will be any burden, let alone a serious burden, in examining the two groups of inventions at the same time.

MPEP § 803 states that “[t]here are two criteria for a proper restriction requirement” with the second requirement being that “[t]here must be a serious burden on the examiner if the restriction is required.” Accordingly, Applicant believes that the two criteria for a proper restriction requirement have not been met and that the restriction should be lifted.

In view of the foregoing, Applicant believes that the restriction requirement should be removed all claims now pending in this Application should be examined. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (203) 431-5505.

December 19, 2005
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Respectfully submitted,

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